

REMARKS

Claims 1-25 were originally filed in the present application. Claims 1-9 were subsequently canceled without prejudice or disclaimer, and new claims 26-34 were subsequently added. Thereafter, claims 25, 30 and 31 were canceled without prejudice or disclaimer, and new claims 35-37 were added. Currently, no claims are canceled or added. Accordingly, claims 10-24, 26-29, and 32-37 are currently pending in the present application.

Applicant notes with appreciation the Examiner's indication of allowance of claims 10-23 and 32-34, and the allowability of previously-pending claim 28.

The Examiner has not indicated that claims 35-37 have been rejected over the art of record or are otherwise not in condition for allowance. Consequently, Applicant assumes these claims are also allowed.

Reconsideration of this application in light of the following remarks is requested.

Rejection Under 35 U.S.C. §102

Claims 24, 26, 27 and 29 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent Application Publication No. 2005/0255714 of Iyer, et al. ("Iyer"). However, the filing date of Iyer is June 14, 2005, which is after October 29, 2003, the filing date of the present application.

Moreover, Iyer is a continuation-in-part of U.S. Patent Application No. 10/741,417 ("the '417 application") filed on December 19, 2003, which is before the filing date of the present application. However, the '417 application does not include the carbon nitride disclosure in Iyer's paragraph [0057] relied upon by the Examiner to reject claim 24. Applicant notes that, as provided in MPEP §2136.03 IV, in order to carry back the 35 U.S.C. §102(e) critical date of Iyer to the filing date of the '417 application (Iyer's parent application), the '417 application must support the invention claimed in Iyer, as required by 35 U.S.C. §112. However, because the '417 application does not support the carbon nitride disclosure of Iyer's paragraph [0057], the §102(e) critical date of Iyer cannot be carried back to the filing date of the '417 application. Therefore, Iyer's effective date as a §102(e) reference, at least with regard to Iyer's carbon nitride disclosure of paragraph [0057], remains as June 14, 2005.

Thus, Iyer's effective date as a §102(e) reference is later than the filing date of the present application, such that Iyer is disqualified as a §102(e) reference with regard to claim 24 and its dependent claims. Therefore, Applicant respectfully requests the Examiner withdraw the rejection.

Conclusion

It is believed that all matters set forth in the Final Office Action have been addressed, and that all of claims 10-24, 26-29, and 32-37 are in condition for allowance. Favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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<p style="text-align: center;">Certificate of Service</p> <p>I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>10-5</u>, 2006.</p> <p><u>Bonnie Boyle</u> Bonnie Boyle</p>
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